



WILLIAM K. DUKE  
VICE PRESIDENT, NORTHERN REGION  
MIDEAST DIVISION

P.O. DRAWER 1590  
MANASSAS, VIRGINIA 20108-1590  
TELEPHONE 703 368-2060  
FAX 703 368-2139  
E-MAIL: DUKEK@VMCMail.COM

September 16, 2002

Charles A. Schadel, Compliance Officer  
U.S. EPA Region III, (3WP31)  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Re: Docket No. CWA-03-2002-0212DN

Dear Mr. Schadel:

Vulcan Materials Company has received and reviewed the "Findings of Violation and Order for Compliance" (the Order) in the above referenced matter and offers the following response. Our response items are numbered to correspond with the item numbers listed in the Order.

#### **ADDITIONAL BACKGROUND**

The Virginia Department of Environmental Quality (DEQ) conducted a storm water inspection at Vulcan's Occoquan Quarry (the Graham Quarry) on February 7-8, 2002. A copy of the DEQ inspection report is attached. As a result of that report, DEQ recommended some changes to Vulcan storm water management practices. Vulcan is always interested in improving its operations, and has implemented all of the DEQ recommendations. A copy of our response to DEQ, detailing the improvements that have been made at the facility, are attached. Many of the improvements made by Vulcan at the Graham Quarry address the allegations made in EPA's Order.

#### **RESPONSE**

##### **Items 1-9**

No response necessary.

#### **Vulcan Occoquan (Graham) Quarry**

##### **Items 10,11,12**

The Storm Water Pollution Prevention Plan (SWPPP) for the Graham Quarry includes procedures for regular inspection of all storm water BMPs, including settling basins. Inspections are conducted quarterly, at a minimum. Complete procedures for record keeping associated with these inspections are also included and forms for this purpose (i.e., Storm Water Precipitation and Inspection Log and Follow-Up Action Log) are located in Appendix 4 of the Plan. Upon review of our procedures following the inspection by the DEQ, we determined that the required inspections are and have been completed but the record keeping to document these inspections needed improvement. Our procedures have been modified to assure that proper documentation of inspection activities is recorded and maintained.

#### Items 13 and 14

Vulcan Materials has, and is in compliance with, an extensive erosion and sediment control plan in accordance with our mining permit. That plan is incorporated by reference into our SWPPP. The erosion and sediment control plan fully addresses procedures for handling the sediment removed from the settling basins, forebays and mining debris.

It is unclear from the Order what "sediments" are referred to in item 14. We believe that the "sediments stored next to the settling basins" referred to in item 14 consisted of small amounts of sediment present at the time of DEQ's inspections on February 7 and February 8. These sediments were removed and the situation corrected prior to the inspection by EPA on February 25. (See paragraph 6 in our response to DEQ, attached). The temporary storage of sediments removed from settling basins is a common practice in the industry and does not normally have a negative impact on the functioning of the basin. The sediments are typically stored near the basin for a short time to allow them to drain to dryness so that they can be transported for reuse or reclamation. Vegetation or other stabilization measures are provided in areas of permanent placement or storage of such materials. We respectfully submit that it is neither reasonable nor feasible to provide such measures in areas of short-term, temporary storage. Vulcan has implemented and maintained measures that are reasonable and appropriate, and the potential for various sources to contribute pollutants to storm water discharges has been considered.

#### Items 15 and 16

The Graham Quarry does have a complete and adequate Spill Prevention Control and Countermeasure Plan (SPCC Plan). The Plan is incorporated by reference into our SWPPP as Appendix 5. The SPCC Plan dated April 28, 2000 includes all procedures for cleaning up leaks and spills. Vulcan has implemented the SPCC Plan and, if any minor spills have occurred at the fueling locations, they have been addressed in accordance with that Plan. Upon review of our SPCC Plan after EPA's inspection, we have determined that the record keeping to document actions taken in accordance with the SPCC Plan needed improvement. We have taken steps to ensure that proper documentation of such activities are recorded and maintained.

#### Items 17 and 18

Vulcan is in compliance with VPDES Permit No. VAG846018, Part II, H.3.h. A description of storm water management controls appropriate for the Facility (including design criteria) is included as part of the erosion and sediment control plan incorporated by reference into the SWPPP. Such controls have been implemented in accordance with that plan.

It is unclear from EPA's Order which settling basin is being referred to in Item 18. It appears that EPA is referring to the lower basin, which is not included nor considered to be part of Vulcan's erosion and sediment controls. The basin has been in existence since at least the 1960s, and there are no available design specifications for it. The basin receives a stream that traverses the quarry (primarily in a closed conduit). The stream originates upstream of the facility, and the bulk of the sediments that reach it are transported from areas upgradient of Vulcan's site. Over the years Vulcan Materials has endeavored to voluntarily and at considerable expense maintain the lower basin, even though it is not part of our sediment control system, in the interest of protecting water quality in the Occoquan River. The basins that are part of the sediment control system are fully described in the erosion and sediment control plan.

#### Items 19 and 20

Complete records of all sampling and analyses conducted in accordance with VPDES Permit No. VAG846018 are maintained on-site at the Graham Quarry. The certified laboratory data reports as well as the DMR Reports, which are timely filed, are available for inspection and clearly identify the parameters analyzed. Perhaps due to a misunderstanding or a break down in communication, this information was not presented to EPA during the inspection.

#### Item 21

As indicated in the Order, Vulcan has been issued VPDES Permit No. VAG846018 to address storm water discharges from the site. Accordingly, storm water discharges from the site are permitted and lawful, and Vulcan has not violated the Clean Water Act. Vulcan recognizes that some administrative improvements may be in order, and we have been working with the DEQ to address and implement those improvements.

#### Manassas Quarry

#### Items 22,23, and 24

The Storm Water Pollution Prevention Plan (SWPPP) for the Manassas Quarry includes procedures for timely inspections for all storm water BMPs, including settling basins. Inspections are conducted quarterly, at a minimum. Complete procedures for record keeping associated with these inspections are also included and forms for this purpose (i.e., Storm Water Precipitation and Inspection Log and Follow-Up Action Log) are located in Appendix 4 of the Plan. Upon review of our procedures following the inspection by your office, we have determined that the required inspections have been performed and the record keeping documenting these inspections is on file at the facility and is current through the end of August 2002.

#### Items 25 and 26

To the best of our knowledge all maps needed to meet the permit requirements are either included in the SWPPP or properly referenced. There are small maps included in the plan for quick reference. Larger, more detailed maps are included in the erosion and sediment control plan required under our mining permit which is incorporated into the SWPPP by reference.

#### Items 27 and 28

Outfall locations and drainage patterns are shown on the small maps bound in the SWPPP. Tank locations and fueling areas are shown on maps in the SPCC Plan which is referenced in the SWPPP and bound with it. More detail, including overburden disposal areas, is provided on maps in the erosion and sediment control plan which is incorporated into the SWPPP by reference.

#### Items 29 and 30

Complete records of all sampling and analyses conducted in accordance with VPDES Permit No. VAG846009 are maintained on-site at the Manassas Quarry. The certified laboratory data reports as well as the DMR Reports, which are timely filed, are available for inspection and clearly identify the parameters analyzed. Chain of Custody documentation and certified laboratory reports identify individuals responsible for sampling and analyses. Perhaps due to a misunderstanding or a break down in communication, this information was not presented during EPA's inspection.

#### Items 31 and 32

Vulcan is in compliance with VPDES Permit No. VAG846009, Part II, H.3.h. A description of storm water management controls appropriate for the Facility (including design criteria) is included as part of the

erosion and sediment control plan incorporated by reference into the SWPPP. Such controls have been implemented in accordance with the plan. The erosion and sediment control plan also fully describes and addresses the settling basins.

Item 33

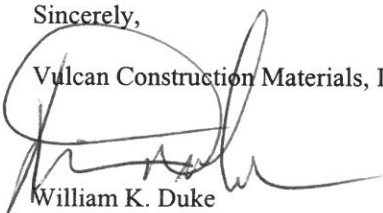
As described above, Vulcan has fully complied with VPDES Permit No. VAG846009. The permit authorizes storm water discharges. Accordingly, storm water discharges from the site are lawful, and Vulcan has not violated the Clean Water Act.

Vulcan believes that the explanations contained in this letter, as well as the actions we have taken in accordance with DEQ's guidance, constitute compliance with the Order. This letter serves as my certification that Vulcan has taken the above actions, and believes that it is in full compliance with EPA's Order.

Vulcan Materials Company has been and will remain committed to protecting the environment and maintaining full compliance with all permits. We sincerely hope that the above response to the items contained in the Order will serve to clarify the issues in this matter. If there are any questions, or if further information is required, please contact Mr. Walter Beck at (804) 717-8374.

Sincerely,

Vulcan Construction Materials, LLP



William K. Duke  
Vice President, Northern Region

cc: Mike Poplin  
Walter Beck  
John Dickson  
Bruce Smith  
Charles A. Schadel